

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANNY R. TIMMONS,

No. C-14-1116 EMC

Plaintiff,

v.

**ORDER DETERMINING *IN FORMA*
PAUPERIS STATUS SHOULD NOT
CONTINUE ON APPEAL**

EUGENE LAND,

Defendant.

On April 30, 2014, this Court dismissed Plaintiff's complaint with prejudice. *See* Docket No. 10 (order). A final judgment was entered on April 30, 2014. *See* Docket No. 11 (judgment).

On September 18, 2014, the Ninth Circuit issued an order referring to this Court for determination whether in forma pauperis status should continue on appeal. *Timmons v. Land*, Ninth Circuit Case No. 14-16166, Docket No. 5. The Court finds Plaintiff's appeal to be frivolous as the complaint plainly failed to state a claim upon which relief can be granted, as discussed in the underlying order rejecting the complaint. *See* 28 U.S.C. § 1915(a)(2) ("An appeal may not be taken

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1 in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”); *Hooker v.*
2 *American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (construing “in good faith” to mean “non-
3 frivolous”); *Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (An action is frivolous “where it lacks an
4 arguable basis either in law or in fact”).

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6 IT IS SO ORDERED.

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8 Dated: October 10, 2014

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11 EDWARD M. CHEN
12 United States District Judge
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